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May 16, 2008

BY FAX 212 805-6326 AND BY HAND

Honorable Colleen McMahon
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York NY 10007

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COLLEEN MCMAHON

Re: United States v. Richard Grant
SI 07 Cr. 1119(CM)

Your Honor:

We address Your Honor's May 15th Order directing a continuation of the suppression hearing on June 18, 2008 at 10 a.m. to allow Mr. Grant to explore the issue concerning which we moved for the reopening and to further explore the Govt. Exhibit 1/pedigree issue.

You Honor directed the production of Investigator Murphy and not of any other officer involved in this case. This witness would of course suffice for the pedigree issue, but I think that he alone would be insufficient for the issue relating to whether the police's first contact with Mr. Grant was at the building's front door, as the government contends, or at his apartment door as we do.

It is officer DeLeon's complaint to which he swore before Magistrate Judge Eaton and his grand jury testimony in each of which he offered hearsay testimony concerning how the three-member team entered Mr. Grant's apartment which triggers a re-examination of that issue.

Unfortunately, in that testimony, officer DeLeon does not identify the specific officer(s) from whom he learned what is at issue here. Consequently, in order to fully develop the matter, it would appear necessary to recall Mr. DeLeon to identify his source(s) for the relevant detail and the setting in which he was given the information and to examine each such source and whichever other member of the arresting team, in whose presence the source himself spoke to DeLeon.

MEMO ENDORSED

Mr. Than -
I ask for Murphy for
pedigree. You can call whoever
you wish on the
other issue.


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We respectfully request that all the paper work on this issue
be provided to us before the hearing.

Respectfully,



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Assistant United States Attorney